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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSEPH NIEVES;
EMERALD ACRES CORPORATION,

Plaintiffs,

vs.

COUNTY OF TRINITY;
TRINITY COUNTY SHERIFF'S
DEPARTMENT (TCSO);
BENJAMIN SPENCER, in his official
capacity of Deputy of the TCSO;
SCOTT CAVALLI, in his official capacity
of Sergeant of the TCSO;
NATHANIAL TRUJILLO, in his official
capacity of Deputy of the TCSO;
TIM SAXON, in his official
capacity of Sheriff of the TCSO;
TRINITY COUNTY PLANNING
DEPARTMENT – CANNABIS DIVISION;
and JOHN/JANE DOES 1 through 100,
Inclusive,

Defendants.

No. 2:22-CV-00270-DJC-AC

**ORDER RE REQUEST FOR ENTRY OF
FINAL ORDER**

1 On May 12, 2023, this Court granted the County Defendants' Motion to Dismiss in the
2 above-entitled case. [Document 51.] The Motion to Dismiss was granted with leave to
3 amend. Plaintiff was ordered to file an Amended Complaint within thirty (30) days (by June 12,
4 2023.)

5 Plaintiffs have now stated that they have "decided to pursue their claims in State Court,
6 rather than amend" and that "Plaintiffs therefore request that this Court enter a final, order of
7 dismissal."

8 **THEREFORE**, the Court hereby grants Plaintiffs' request for final order, and hereby
9 dismisses the federal causes of action, without leave to amend.
10

11 Pursuant to 28 U.S.C. §1367, Plaintiffs have 30 days to re-file this matter in State Court.

12 **IT IS SO ORDERED.**

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14 Dated: 6/8/23

/s/ Daniel J. Calabretta

15 THE HONORABLE DANIEL J. CALABRETTA
16 UNITED STATES DISTRICT JUDGE
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